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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,018	11/17/2003	Evan R. Vande Haar	P06388US00	3304
27139	7590	07/12/2006	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: MAYTAG/ WHIRLPOOL 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721				HUSBAND, SARAH E
		ART UNIT		PAPER NUMBER
		1746		

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/715,018	VANDE HAAR ET AL.
	Examiner Sarah E. Husband	Art Unit 1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 12-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 12-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the cancellation.

Applicant's arguments, see Remarks, filed 4/25/2006, with respect to the rejection(s) of claim(s) 1-10, 12-16, 18 and 19 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Broker (US 6594841) or Cohen (US 6591200).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vande Haar (US Patent No. 6,241,782) in view of Ciancimino (US Patent Application Publication 2001/0054204) and further in view of Broker (US 6594841) or Cohen (US 6591200).

Vande Haar ('782) discloses a washing machine having a stationary tub, a washing basket with an open rim and a plurality of holes in the wall, washing fluid, motor, controller and a boot seal (col. 3, ll. 30-65; Fig. 1, 3). Vande Haar ('782) also discloses various cycles

and speeds of rotation (col. 2-3, 6). Vande Haar ('782) does not specifically disclose sensing an imbalance caused by fabrics frictionally engaging the flexible boot during the "spin speed" rotation of the washing cycle and consequently decreasing the rotation based on the imbalance. Ciancimino discloses a plurality of washing speeds (see Figures 2 and 3) and also sensing for an imbalance during each of the stages (which would include the spin cycle) or continuously monitoring the torque of the motor to determine if an increase in torque has occurred due to an imbalance (paragraph 6). Ciancimino further discloses that once the imbalance is detected, the speed is reduced or the cycle is terminated (stopped) (see paragraphs 6-9, 15-22, 31; see entire document as well). Although Ciancimino and Vande Haar do not specifically discuss the imbalance being caused by fabrics frictionally engaging the flexible boot, Vande Haar does discuss that the clothes are known to be lodged in this area, and one of ordinary skill in the art would foresee that as the imbalance during the spin cycle occurs, the imbalance could be caused by the clothes frictionally engaging the boot seal as they are known to do this. Vande Haar and Ciancimino also do not specifically disclose sensing torque and rotational speed variations. Broker (or Cohen) disclose using speed and torque sensing means (Fig. 1, col. 1; col. 2-3, respectively). These are both relatively common means to sense an imbalance condition in the washing machine as described by Broker and one of ordinary skill in the art would foresee using either or both of these means to control the imbalance of a rotating piece of equipment. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Vande Haar with

Ciancimino and Broker (or Cohen) for the benefit of monitoring the laundry during the entire washing process and also avoiding damage to the machine.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER